

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:  
Markus EICKMANN *et al.*

Attorney Docket No.: 38137-0018

11000 U.S. PTO  
09/874140  
06/06/01

Serial No.: *To Be Assigned*

Art Unit: *To Be Assigned*

Filed: *Concurrently Herewith*

Examiner: *To Be Assigned*

For: VARICELLA ZOSTER VIRUS (VZV) IMMUNOREACTIVE PROTEIN VP26 AND  
ITS DIAGNOSTIC USE

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56 and 37 CFR §1.97**

Director, U.S. Patent and Trademark Office  
Washington, DC 20231

Sir:

Submitted herewith on the attached Form PTO-SB/08A are the references of record in parent Application Serial No. 09/219,337, the relevance of which is discussed in the parent application. Under 37 C.F.R. §1.98(d), copies of the documents are not attached, since they were previously cited by or submitted to the Patent and Trademark Office in the parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

**CONCISE EXPLANATION OF  
RELEVANCE OF EACH DOCUMENT**

Applicants submit herewith on Form PTO-SB/08A, a listing of the documents cited by or submitted to the Patent Office in parent application Serial No. 09/219,337, filed December 23, 1998.

The relevance of these prior art documents is explained in the parent application.

As provided in 37 C.F.R. §1.98(d), copies of the documents are not being provided since they were previously cited by or submitted to the Patent Office in parent application Serial No. 09/219,337, filed December 23, 1998.

Applicants believe that the instant Information Disclosure Statement is being filed within three months of the filing date under 37 CFR §1.97(b)(1) therefore, no fee is required in connection with its filing. However, if this is incorrect, please charge Deposit Account No. 08-1641.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

Date: June 6, 2001

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

### Complete if Known

Application Number	To Be Assigned
Filing Date	Herewith
First Named Inventor	Markus Eickmann
Group Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Attorney Docket Number	38137-0018

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	A01	A.J. DAVISON et al., "J Gen. Virol., Vol. 67", The Complete DNA Sequence of Varicella-Zoster Virus, pp. 1759-1819, (1986)	
	A02	D.R. HARPER et al., "The Journal of Infectious Diseases", Vol. 159 No. 3, IgM and IgG Responses to Varicella-Zoster Virus p. 32/p. 36 Complex After Chickenpox and Zoster, Congenital and Subclinical Infections, and Vaccination, pp. 444-451, (3/1989)	
	A03	A. FAFAI et al., "Virus Research", Vol. 15, Antigenic Cross-Reaction Between A Varicella-Zoster Virus Nucleocapsid Protein Encoded By Gene 40 And A Herpes Simplex Virus Nucleocapsid Protein, pp. 163-174 (1990)	
	A04	M.D. DAVISON et al., "Identification of Genes Encoding Two Capsid Proteins (VP24 and VP26) of Herpes Simplex Virus Type 1", J. Gen Virology, (1992), 73 pp. 2709-2713.	
	A05	A.J. DAVISON et al., "The Complete DNA Sequence of Varicella Zoster Virus", J. Gen. Virol 67, (1986), pp. 1759-1816.	

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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